IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION Nos. 9646 of 2001&9667 of 2001

W.P. No. 9646 of 2001

Between:

1 T. Madana Mohan Reddy S/o. Late T. Malli Reddy
A.P. Residential School, Mukkavaripalli r/o. Kuntrapakam Village and post Tirupai

Rural Mandal, Chittoor District.
2 C.V. Sankar Reddy s/o. C.V., Muni Reddy
Thanapalli village, r/o. Kuntrapakam Village and post Tirupai Rural Mandal, Chittoor District.

..... PETITIONERS

AND

1. The Appellate Authority under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981, Andhra Pradesh, Hyderabad.

2. State of Andhra Pradesh rep. by its Secretary, Environmental, Forest and Science Technology Department Secretariat, Hyderabad.

3. The A.P. Pollution Control Board Regional Office, Tirupathi.

4. A.P. Pollution Control board 2nd Floor Maitrivanam, HUDA Complex Hyderabad, rep. by its Member Secretary.

5. M/s. Sree Durga Stone Crushers C/o. L. Mugaraja Naidu Lakkala Thanepalli (V) Tirupati Chittoor District.

6. J. Ramanatha Reddy S/o. Late Garata Reddy, Police Communications (Retired), R/o. Thanapalli Village, Kuntrpakam branch post office, Tirupati Rural Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of certiorari or any other appropriate writ or direction calling for the records relating to the order of the 1st respondent passed in Appeal No. 9/2001 dated 28.4.2001 and quash the same and pass

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondent No.1: None

Counsel for the Respondent No.2: G.P. For Irrigation and C.A.D.

Counsel for the Respondent Nos. 3 and 4 : Sri S.V. Bhatt

Counsel for the Respondent No.5: MR.M.P.CHANDRAMOULI

Counsel for the Respondent No.6: Mr. V. Ravinder Rao

and

W.P.NO.9667 OF 2001

Between:

1. M.Krishna Reddy, S/o M. Venkata Reddy, Head Master (Retired)

   Z.P.P.High School, Durgasamudram, Kuntrapakam village and post, Tirupati Rural Mandal, Chittoor District.

2. Smt. K.Kalavathamma, W/o. K.R.Jayarami Reddy,

   Thanapalli village, Kuntrapakam post, Tirupati Rural Mandal, Chittoor District.

PETITIONERS

AND

1. The Appellate Authority under Water (Prevention and Control of pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, Andhra Pradesh, Hyderabad.

2. State of Andhra Pradesh, rep. by its Secretary Environmental, Forest and Science Technology Department, Secretariat, Hyderabad.

3. The A.P.Pollution Control Board, Regional Office, Tirupati.

4. The A.P.Pollution Control Board, 2nd Floor Maitrivanam, HUDA Complex,

Hyderabad, rep. by its Member Secretary.

5. M/s.Ayyappa Stone Crushers, 19-3-7C, Renigunta road, Tirupati, Chittoor District rep. by its proprietor Sri. C.Rama Mohan Rao.

6. J.Ramanatha Reddy, S/o.Late Garata Reddy, IG of Police, Police Communications (Retired) Thanapalli village, Kuntrapakam branch post office, Tirupati Rural Mandal, Chittoor District.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ of certiorari or any other appropriate writ or direction calling for the records relating to the order of the 1st respondent passed in Appeal No. 8/2001 dated 28.4.2001 and quash the same and pass.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondent No.1: None

Counsel for the Respondent No.2: G.P. For Irrigation and C.A.D.

Counsel for the Respondent Nos. 3 and 4 : Sri S.V. Bhatt

Counsel for the Respondent No.5: Smt. K. Annapurna devi

Counsel for the Respondents No.6: None

The Court made the following Common Order:

(Per Sri Devinder Gupta,CJ)

Closure orders were passed by the A.P. Pollution Control Board against the private respondents when they failed to comply with the directions of the Board. The said orders were challenged in appeal before the appellate authority under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. Appeals were allowed with certain directions and now the writ petitions were preferred by the complainants at whose behest the Board had taken action against the crushing units.

During the pendency of the writ petitions, quarrying of lease almost stood cancelled. We need not go into the question as to the reason for cancellation of the lease. However, the said order is challenged by the respondents and as of today quarrying operations are not going on and so the stone crushers are not functional and cannot

be operated upon except by obtaining fresh permission from the A.P. Pollution Control Board, even if the licensees are ultimately removed. As such, the writ petitions had been rendered infructuous and are disposed of as such with a direction that the respondent-units will not commence their activity of crushing stones except after obtaining due permission from the Pollution Control Board.

The writ petitions are accordingly disposed of. No costs.

DEVINDER GUPTA,CJ

DATE: 20th August, 2004

C.V. RAMULU,J

Pnb

To

1. The Appellate Authority under Water (Prevention and Control of pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, Andhra Pradesh, Hyderabad.

2. The Secretary, Environmental, Forest and Science Technology Department, State of Andhra Pradesh, Secretariat, Hyderabad.

3. The A.P.Pollution Control Board, Regional Office, Tirupati.

4. The Member Secretary,A.P.Pollution Control Board, 2nd Floor Maitrivanam, HUDA Complex, Hyderabad,

5. Two c.cs to the G.P. For Irrigation and C.A.D., A.P. High Court Buildings, Hyderabad (o.u.t).

6. Two CD copies.